

FILED
09 JAN 15 PM 1:14
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1 NIAL E. LYNCH (State Bar No. 157959)
MICHAEL L. SCOTT (State Bar No. 165452)
2 HEATHER S. TEWKSBURY (State Bar No. 222202)
ALEXANDRA J. SHEPARD (State Bar No. 205143)
3 DAVID J. WARD (State Bar. No. 239504)
Antitrust Division
4 U.S. Department of Justice
450 Golden Gate Avenue
5 Box 36046, Room 10-0101
San Francisco, CA 94102
6 Telephone: (415) 436-6660

E-filing

7 Attorneys for the United States

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

MHP

11 UNITED STATES OF AMERICA

OK 09
No. CR

0045

12 v.

INFORMATION

13
14 CHIENG-HON "FRANK" LIN,
15 CHIH-CHUN "C.C." LIU, and
16 HSUEH-LUNG "BRIAN" LEE,

VIOLATION:
Title 15, United States Code,
Section 1 (Price Fixing)

17 Defendants.

San Francisco Venue

18 The United States of America, acting through its attorneys, charges:

19 I.

20 DESCRIPTION OF THE OFFENSE

21 1. CHIENG-HON "FRANK" LIN, CHIH-CHUN "C.C." LIU, and HSUEH-LUNG
22 "BRIAN" LEE are made defendants on the charge stated below.

23 2. From on or about September 14, 2001 until on or about December 1, 2006, the
24 defendants' corporate employer, Chunghwa Picture Tubes, Ltd. ("CPT"), and coconspirators
25 entered into and engaged in a combination and conspiracy in the United States and elsewhere to
26 suppress and eliminate competition by fixing the prices of thin-film transistor liquid crystal
27 display panels ("TFT-LCD"). The combination and conspiracy engaged in by the defendants'
28 corporate employer and coconspirators was an unreasonable restraint of interstate and foreign

INFORMATION -- LIN, LIU, LEE -- 1

1 trade and commerce in violation of Section 1 of the Sherman Act (15 U.S.C. § 1). The
2 defendants knowingly joined and participated in the charged conspiracy at various periods of
3 time from as early as September 14, 2001, until on or about December 1, 2006.

4 3. The charged combination and conspiracy consisted of a continuing agreement,
5 understanding, and concert of action among the defendants, their corporate employers, and
6 coconspirators, the substantial terms of which were to agree to fix the prices of TFT-LCD.

7 4. For the purpose of forming and carrying out the charged combination and
8 conspiracy, the defendants, their corporate employers, and coconspirators did those things that
9 they combined and conspired to do, including, among other things:

- 10 (a) participating in meetings, conversations, and communications in Taiwan,
11 Korea, and the United States to discuss the prices of TFT-LCD;
12 (b) agreeing, during those meetings, conversations, and communications, to
13 charge prices of TFT-LCD at certain predetermined levels;
14 (c) issuing price quotations in accordance with the agreements reached;
15 (d) exchanging information on sales of TFT-LCD, for the purpose of
16 monitoring and enforcing adherence to the agreed-upon prices; and
17 (e) authorizing, ordering, and consenting to the participation of subordinate
18 employees in the conspiracy.

19 II.

20 DEFENDANTS AND COCONSPIRATORS

21 5. During the time period covered by this Information:

- 22 (a) CPT was a corporation organized and existing under the laws of Taiwan,
23 Republic of China, and was engaged in the business of producing and
24 selling TFT-LCD to customers in the United States and elsewhere.
25 (b) CHIENG-HON "FRANK" LIN was Chairman and Chief Executive Officer
26 for CPT.
27 (c) CHIH-CHUN "C.C." LIU was Vice President of LCD Sales for CPT.
28 (d) HSUEH-LUNG "BRIAN" LEE held various sales positions, including

INFORMATION -- LIN, LIU, LEE -- 2

1 Vice President of LCD Sales for CPT.

2 6. Various corporations and individuals, not made defendants in this Information,
3 participated as coconspirators in the offense charged in this Information and performed acts and
4 made statements in furtherance of it.

5 7. Whenever in this Information reference is made to any act, deed, or transaction of
6 any corporation, the allegation means that the corporation engaged in the act, deed, or transaction
7 by or through its officers, directors, employees, agents, or other representatives while they were
8 actively engaged in the management, direction, control, or transaction of its business or affairs.

9 III.

10 TRADE AND COMMERCE

11 8. TFT-LCD are glass panels composed of an array of tiny pixels that are
12 electronically manipulated in order to display images. TFT-LCD are manufactured in a broad
13 range of sizes and specifications for use in televisions, notebook computers, desktop monitors,
14 mobile devices, and other applications.

15 9. During the period covered by this Information, the defendants, their corporate
16 employer, and coconspirators sold and distributed TFT-LCD in a continuous and uninterrupted
17 flow of interstate and foreign trade and commerce to customers located in states or countries other
18 than the states or countries in which the defendants, their corporate employer, and their
19 coconspirators produced TFT-LCD.

20 10. The business activities of the defendants, their corporate employer, and
21 coconspirators that are the subject of this Information were within the flow of, and substantially
22 affected, interstate and foreign trade and commerce.

23 ///

24 ///

25 ///

26 ///

27 ///

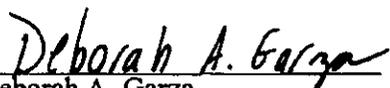
28 ///

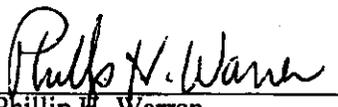
IV.

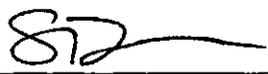
JURISDICTION AND VENUE

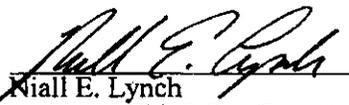
11. The combination and conspiracy charged in this Information was carried out, in part, in the Northern District of California, within the five years preceding the filing of this Information.

ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

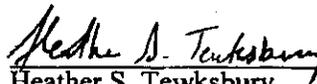

Deborah A. Garza
Acting Assistant Attorney General

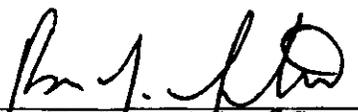

Phillip H. Warren
Chief, San Francisco Office


Scott D. Hammond
Deputy Assistant Attorney General


Niall E. Lynch
Assistant Chief, San Francisco Office


Marc Siegel
Director of Criminal Enforcement
United States Department of Justice
Antitrust Division


Heather S. Tewksbury
Michael L. Scott
Alexandra J. Shepard
David J. Ward
Attorneys
U.S. Department of Justice
Antitrust Division
450 Golden Gate Avenue
Box 36046, Room 10-0101
San Francisco, CA 94102
(415) 436-6660


Joseph P. Russoniello *STRUT*
United States Attorney *FOR STR*
Northern District of California